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**PRELIMINARY DRAFT**  
**No. 3433**

**PREPARED BY**  
**LEGISLATIVE SERVICES AGENCY**  
**2012 GENERAL ASSEMBLY**

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**DIGEST**

**Citations Affected:** IC 35-38-3-3.

**Synopsis:** Class D felony sentencing. Provides that a person convicted of a Class D felony may not be committed to the department of correction unless the person's entire period of incarceration is at least six months at the time of sentencing.

**Effective:** July 1, 2012.



A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

*Be it enacted by the General Assembly of the State of Indiana:*

1       SECTION 1. IC 35-38-3-3 IS AMENDED TO READ AS  
2       FOLLOWS [EFFECTIVE JULY 1, 2012]: Sec. 3. (a) Except as  
3       provided by subsection (b), a person convicted of a misdemeanor may  
4       not be committed to the department of correction.

5       (b) Upon a request from the sheriff, the commissioner may agree to  
6       accept custody of a misdemeanant:

7       (1) if placement in the county jail:

8       (A) places the inmate in danger of serious bodily injury or  
9       death; or

10       (B) represents a substantial threat to the safety of others;

11       (2) for other good cause shown; or

12       (3) if a person has more than five hundred forty-seven (547) days  
13       remaining before the person's earliest release date as a result of  
14       consecutive misdemeanor sentences.

15       **(c) A person convicted of a Class D felony may not be committed**  
16       **to the department of correction unless, as of the date of sentencing**  
17       **and assuming the application of Class I credit time to the person's**  
18       **entire period of incarceration, the offender will serve at least six (6)**  
19       **months in the department.**

